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LITTON LOAN SERVICING LP

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

LEONARDO B. CRUZ, JR.,

Plaintiff,

v.

WMC MORTGAGE CORP., LITTON LOAN
SERVICING, HOMEQ SERVICING, TD SERVICE
COMPANY AND DEUTSCHE BANK NATIONAL
TRUST COMPANY,

Defendants.

Case No. 08CV1157 BEN NLS

*Assigned for all purposes to:
Judge Roger T. Benitez, Courtroom 3*

**DEFENDANTS' NOTICE OF MOTION
TO DISMISS COMPLAINT FOR
FAILURE TO STATE A CLAIM UPON
WHICH RELIEF CAN BE GRANTED
(F.R.C.P. 12(b)(6))**

*[Defendant's Request for Judicial Notice;
and Memorandum of Points and Authorities
filed concurrently herewith]*

Motion to Dismiss:

Date: August 25, 2008

Time: 10:30 a.m.

Courtroom: 3

Action filed: June 30, 2008

TO THE HONORABLE UNITED STATES DISTRICT COURT, ALL PARTIES AND
COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on August 25, 2008, at 10:30 a.m., or as soon thereafter as counsel
may be heard in Courtroom 3 of the above-entitled Court, located at 880 Front Street, San Diego,
California, Defendant, Litton Loan Servicing LP ("Litton") will and hereby do move this Court, the
Honorable Roger T. Benitez presiding, for an order dismissing Plaintiff's Complaint pursuant to